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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,122	01/08/2002	Norio Iijima	FUJR 19.283	5147
7590	04/06/2005		EXAMINER	
Rosenman & Colin LLP 575 Madison Avenue New York, NY 10022-2585			LIEN, TAN	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,122	<b>Applicant(s)</b> IIJIMA, NORIO	
	<b>Examiner</b> Tan Lien	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because there are non-well known acronyms used without stating what it is, such as NE. Correction is required. See MPEP § 608.01(b).

A preliminary examination of this application reveals that it includes terminology that is so different from what is generally accepted in the art to which this invention pertains. For example: what is a package? From reading the US Pre-Grant Publication (2002/0059461) of this application (10/046,122) paragraph [0008], the use of the term package sounds like it is a physical network device mounted or sitting on top of another physical network device. From paragraph [0012], a package seems like a data packet transiting through a NE or network device. From paragraph [0045], a package seems like an interface card inserted into or mounted on a router or a switch chassis. Or is it a postal package that is routed or controlled by the postal office (package controlling unit)?

The specification discloses a system information Table T0 paragraph [0040], but there is no figure for it. In addition, table T0 is not shown in FIG. 1, which "describes the principles underlying a package control unit according to the present invention" as stated in paragraph [0017]. Is table T0 not important to the invention?

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims use the term "package" without stating what a package is.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "package" in claims 1-12 is used by the claims to mean "data packet," "network device," and "network interface", while the accepted meaning is "a parcel or container in which something is packed for storage or transportation." The term is indefinite because the specification does not clearly define the term.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (US Patent 5,226,120).*

Claim 1, 7: Brown teaches a package control unit for controlling a package mounted in a network element, comprising:

a package information obtaining section for obtaining information regarding the package and generating a package information table at the time of starting (col. 23 lines 7-30 and FIG. 16; wherein when the network device is started up, it has to detect the statuses of the modules and the network element itself, and store the statuses in a table before sending it to operation server or Network Management Control Console);

an operational information obtaining section for obtaining information regarding the package regularly and generating an operational information table at the time of operating network elements (col. 23 lines 20-25; wherein the information regarding the model number of the concentrator and information in the Ancestor Table is forwarded to the Network Management Control Console to create network topology and other things);

a change information detecting section for detecting change information by comparing the package information table and the operational information table (col. 6 lines 7-14); and

a package operation setting performing section for performing operation setting on the package on the basis of the change information (col. 6 lines 7-14; wherein the network management control console set or update the changes detected).

Claim 2, 8: Brown teaches the package control unit according to claim 1, 7, wherein the package operation setting performing section performs at least one of the setting of the activation control and the setting of the supervisory control of the package as the operation setting (col. 6 lines 7-14; wherein the network management control console set or update the changes detected and monitors/supervises other network elements).

Claim 3, 9: Brown teaches the package control unit according to claim 1, 7, further comprising

a link information table storing section for storing a link information table regarding links which connect the network elements (col. 20 lines 51-58 and FIG. 13 and FIG. 15, ref. 142).

Claim 4, 10: Brown teaches the package control unit according to claim 3, 9, wherein

the package operation setting performing section automatically performs line setting on all of network elements relating to paths which will influence the package on the basis of the link information table (col. 6 lines 7-14; wherein the network management control console automatically performs and acquire information regarding topology).

Claim 5, 11: Brown teaches the package control unit according to claim 1, 7, further comprising

a package mounting state judging section for judging whether the package is mounted normally or erroneously and informing of the judgment thereof (col. 6 lines 55-60).

Claim 6, 12: Brown teaches the package control unit according to claim 1, 7, wherein the package operation setting performing section chooses whether to perform the operation setting or not (col. 23 lines 45-57; wherein the Network Management Control system can choose whether to suppress warning messages or not).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tan Lien  
Examiner  
Art Unit 2141

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER